

FINDINGS OF FACT FOR THE PRELIMINARY PLAT OF THE MOORE MINOR SUBDIVISION APPLICATION LOCATED IN SECTION 24, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA

The Moore Minor subdivision application requesting preliminary plat approval for the Moore Minor subdivision was received on May 3, 2019. It was determined to contain all required components sufficient for adequate review on June 11, 2019 and scheduled for a public meeting for the Cascade County Planning Board on June 25, 2019 pursuant to statutory requirements.

Anzarina Moore, requests the removal of the agricultural covenant and preliminary plat approval for a single lot. The exemption restricts future use of the property to agricultural purposes and is revocable "only by mutual consent of the governing body and the property owner... (76-3-201 (1) (f) (Montana Code Annotated (2017)))". This subdivision application will remove the agricultural use restriction on the property. The total acreage of the project site is 20.45-acres. The parcel number is 0002645775 and the geocode is 02-3016-24-4-01-01-0000.

I. PRIMARY REVIEW CRITERIA

Effect on Agriculture

The proposed subdivision is presently undeveloped and used as agricultural land. It is currently zoned Rural Residential Five (RR5) and borders Suburban Residential Two (SR2) zoned properties to the North that are used for residential purposes, a large RR5 parcel used for agricultural purposes to the East, two properties zoned SR2 used for residential purposes to the West, and agricultural uses on the one property zoned RR5 that borders it to the South. The lot is currently accessed from an existing private road, Barnwood Lane.

The soil is Gerber-Lawther silty clays, zero (0) to four (4) percent slopes, Gerber-Lawther silty clays, four (4) to eight (8) percent slopes, and is considered farmland of statewide importance.

Effect on Local Services

The proposed subdivision receives law enforcement services from the Cascade County Sheriff's Department and fire protection from the Sand Coulee Fire Department. The project is exempt from onsite fire cistern requirements per 10-15(2)(5) of the Cascade County Subdivision Regulations, as fire protection measures are only needed when creating four (4) or more lots, or in subsequent minor subdivisions of three (3) or more lots. This subdivision would not create any new lots.

A letter requesting comments was sent to the Sand Coulee Volunteer Fire Department Chief by certified mail on June 7, 2019 and any response received from them will be forwarded to the Planning Board and the County Commissioners. No comments have been received at the time of writing this report.

The parkland requirement is waived due to the land being subdivided into parcels over five (5) acres and the subdivision only resulting in two (2) lots being created; pursuant to 76-3-621(3)(a) and (d), Montana Code Annotated (2017).

Letters requesting comments were sent to the Montana Department of Transportation and the Cascade County Road and Bridge Division on June 7, 2019. No comments have been received at the time of writing this report.

Effects on the Natural Environment

Subdivision of the site is not expected to create significant surface run-off problems. The proposed development is outside of any regulated floodplains, will not alter any lakebeds or stream channels. The Department of Environmental Quality will review the subdivision plan as part of the Sanitation in Subdivisions Act.

The area to be subdivided is made up of Gerber-Lawther silty clays, zero (0) to four (4) percent slopes, Gerber-Lawther silty clays, four (4) to eight (8) percent slopes, and is considered farmland of statewide importance. The project was sent to the Cascade Conservation District for review, any comments received will be forwarded to the Planning Board and Commissioners. No comments have been provided at the time of writing this report.

The subdivision is not expected to adversely affect native vegetation, soils, water quality, or the quantity of surface or ground waters. No new parcels are being created and the parcel is currently undeveloped and being used as agricultural land.

.Effect on Wildlife and Wildlife Habitat

This location is in an area that has been and is continuing to be developed residentially. There are no important habitats, wildlife areas, migration routes, wetlands, or habitat for sensitive or endangered species. Letters requesting comment have been submitted to the Department of Fish, Wildlife, and Parks. No comments have been received at the time of writing this report. The subdivision will not result in closure of public access to hunting or fishing areas, nor to public lands.

Effect on Public Health and Safety

Based on available information, this subdivision does not appear to be subject to potential natural hazards such as flooding and rock slides; nor potential man-made hazards such as nearby heavy industrial or mining activity. Wildfires are always a possibility in subdivisions adjacent to vacant or pasture land when located within the wildland urban interface. Fire and emergency services have been addressed. Vehicle access to the subdivision will be off Highwood Dr.

II. REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATION

The subdivision meets requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

III. COMPLIANCE WITH THE CASCADE COUNTY GROWTH POLICY

The proposed subdivision is in general compliance with the Cascade County Growth Policy to preserve and enhance the rural, friendly, and independent lifestyle currently enjoyed by Cascade County's citizens, designing subdivisions so as to minimize the risk of fire, promoting adequate ingresses and egresses, adequate water supply systems, requiring local review of subdivisions to meet DEQ regulations, and by complying with a weed management plan. The area is not located in a designated Resource Protection Area, Prohibitive Development Area or Conditional Development Area; therefore, those standards are not applicable to the proposed subdivision.

SETBACK STANDARDS

The minimum standards must comply with the Cascade County Zoning Regulations.

SLOPE STANDARDS

Development on slopes exceeding twenty-five percent (25%) is prohibited except where a licensed engineer, with demonstrated experience in the field of slope stabilization certifies that the development will create no slope failure or erosion hazards.

OFF-STREET PARKING STANDARD

All parking in the proposed subdivision will be accommodated on the premises and entirely off street.

RESIDENTIAL DEVELOPMENT STANDARD

The minimum standards must comply with the Cascade County Zoning Regulations.

SOIL EROSION STANDARD

The proposed subdivision should not cause soil erosion or other adverse impacts of runoff on neighboring properties or roads.

SOILS LIMITATIONS STANDARD

Soils that have moderate or severe limitations for the proposed subdivision will be identified and measures to mitigate such limitations will be implemented.

ROAD ACCEPTANCE AND MAINTENANCE POLICY

A waiver of the developer's right to protest an RSID is required by Cascade County to allow the county to impose an RSID on the individual lots of the subdivision for future deterioration and improvements to the roadway if it becomes necessary. A letter has been sent to the County Road Supervisor asking for comments on the proposed subdivision.

FIRE PROTECTION STANDARD

The proposed subdivision receives law enforcement services from the Cascade County Sheriff's Department. It lies within and receives fire protection services from the Sand Coulee Volunteer

Fire District. Response time will be dictated by weather and road conditions. A letter has been sent to the Sand Coulee Fire Chief, by certified mail, asking for comments on the proposed subdivision. No comments have been received at the time of writing this report. Any comments received after the publication of this report will be sent to the Planning Board and the County Commissioners. Additional fire protection standards such as a fire prevention cistern is not required for subdivisions of under three (3) lots.

SCHOOL SYSTEM'S CAPACITY STANDARD

Letters were sent to the Cascade County Superintendent of Schools as well as the Great Falls Superintendent of Schools asking for comments about the proposed subdivision, any comments will be sent to the Planning Board and County Commissioners. No comments have been received at the time of writing this report.

EASEMENT FOR UTILITIES

There are no new proposed utilities at this time.

LEGAL AND PHYSICAL ACCESS

There is an existing approach off Barnwood Drive. Staff recommended a condition of approval that states "9. Causing to be recorded in conjunction with the final plat, a notarized agreement requiring property owners, current and future, of this tract of land to provide access documentation proving the access would be onto a road that is up to county standards if future development of this tract of land should occur. This agreement must be referenced on the Plat."

IV. OPTIONS AND RECOMMENDATIONS

In making their recommendations and decisions, the Cascade County Planning Board and the Cascade County Commission shall consider the following:

- 1) relevant evidence relating to the public health, safety, and welfare;
- 2) the Summary of Probable Impacts;
- 3) the Cascade County Growth Policy; and
- 4) the provisions outlined in the Cascade County Subdivision Regulations and the Montana Subdivision and Platting Act.

V. DECISION ALTERNATIVES

- 1) Approve the proposed subdivision.
- 2) Approve the proposed subdivision with conditions.
- 3) Table the proposed subdivision for further study.
- 4) Deny the proposed subdivision.